

1 LEIGH-DAVIS GLASS  
2 REG. NO. 24821-112  
3 FEDERAL PRISON CAMP--VICTORVILLE  
4 P.O. BOX 5100  
5 ADELANTO, CA 92301

6 FOR THE PETITIONER

FILED

08 MAY 27 PM 2:51

RICHARD W. WILKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 LEIGH-DAVIS GLASS,

11 PETITIONER,

12 v.

13 ROBERT E. McFADDEN; et al.,

14 RESPONDENTS.

NO. C 08-1585 JSW (PR)

MOTION FOR RECONSIDERATION  
OF TRANSFER ORDER AND FOR

RELIEF FROM JUDGMENT

[F.R.C.P. 60(b)(4)&(b)(6)]

TIME: A.S.A.P. DATE: A.S.A.P.

15  
16  
17 COMES NOW PETITIONER, MS. GLASS, WHO REQUESTS  
18 THIS COURT RESCIND ITS 5-13-08 TRANSFER ORDER,  
19 AND IMMEDIATELY RULE ON THE MERITS OF MS. GLASS'  
20 PETITION.

21 IT IS TRUE, NORMALLY, JURISDICTION IS WHERE THE  
22 INMATE IS HOUSED. HOWEVER, MS. GLASS MADE A PROPER  
23 SHOWING: THIS IS NOT A NORMAL CASE. IN FACT, MS.  
24 GLASS' PETITION DOCUMENTED; MS. GLASS' RIGHTS  
25 HAVE BEEN REPEATEDLY VIOLATED IN THE CENTRAL  
26 DISTRICT; THE CENTRAL DISTRICT HAS INTENTIONALLY  
27 IMPEDED ~~WITH~~ MS. GLASS' RIGHT TO HABEAS RELIEF;  
28 AND MS. GLASS HAS NOT, AND WILL NOT, RECEIVE A FAIR

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1 HEARING IN THE CENTRAL DISTRICT. FURTHER, MS. GLASS'  
 2 PETITION DOCUMENTED: THE CENTRAL DISTRICT "ADMITTED"  
 3 IT WAS HOLDING MS. GLASS ILLEGALLY, AND ALSO,  
 4 WITHOUT JURISDICTION. IT IS "SILLY" TO THINK, A DISTRICT  
 5 THAT IS INTENTIONALLY DOING SOMETHING ILLEGAL, WOULD  
 6 REVERSE ITSELF.

7 IN THIS CASE, MS. GLASS MADE A PROPER SHOWING,  
 8 JURISDICTION IS REQUIRED AND PROPER, IN THE NORTHERN  
 9 DISTRICT. SEE, RASUL v. BUSH, 124 S. CT. 2686, 2695 (U.S. 2004);  
 10 QUOTING, BRADEN v. 30<sup>th</sup> JUDICIAL CIRCUIT COURT OF KENTUCKY,  
 11 410 U.S. 484, 494-495 (U.S. 1973) (JURISDICTION WITHIN THE  
 12 MEANING OF § 2241 IS PROPER IF "the custodian can be  
 13 reached by service of process.").

14 MOREOVER, BECAUSE MS. GLASS MADE A PROPER SHOWING,  
 15 SHE SHOULD HAVE HAD THE OPPORTUNITY TO ARGUE AGAINST A  
 16 POSSIBLE TRANSFER. RATHER, THE TRANSFER ORDER WAS ISSUED  
 17 WITHOUT NOTICE OR AN OPPORTUNITY TO BE HEARD. SEE, U.S. v.  
 18 BERKE, 170 F.3d 882, 883 (9<sup>th</sup> CIR. 1999) (A FINAL JUDGMENT IS  
 19 VOID, PURSUANT TO FRCP 60(b)(4), IF THE COURT ACTED IN A  
 20 MANNER INCONSISTENT WITH DUE PROCESS OF LAW).

21 FURTHERMORE, AS EVIDENCE OF THE CENTRAL DISTRICT'S  
 22 CONTINUED BAD FAITH; IT HAS DENIED THAT THIS CASE WAS TRANSFERRED.

23 THEREFORE, FOR ALL OF THE FOREGOING REASONS, THIS  
 24 CASE MUST BE HEARD IN THE NORTHERN DISTRICT, FORTHWITH.

25 DATE: 5-21-08 RESPECTFULLY SUBMITTED, J. V. Glass

26 [PROOF OF SERVICE]

27 ON 5-21-08, NO ONE WAS SERVED, BECAUSE NO ONE HAS APPEARED,  
 28 AND THUS, SERVICE IS NOT REQUIRED. DATE: 5-21-08 BY: J. V. Glass

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